IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1037/2002

M/S RAJA FOOD @ ALLIAD INDUSTRIES & ORS.
Vs.
M/S RAMJI LAL MOHAN LAL & ANR.

DATE: 21.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. S.K. Gupta for the accused-petitioners.
Mr. Ashwini Kumar Sharma, P.P. for the State.

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None present for the complainant-respondent despite service.

This criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioners against the order dated 23.08.2002 passed by the Additional District & Sessions Judge (Fast Track), Gangapurcity in Criminal Revision Petition No. 23/2002, whereby the Additional Sessions Judge has set-aside the order dated 07.02.2002 upto the extent of the petitioners passed by the Additional Chief Judicial Magistrate, Gangapurcity in Case No. 47/99, by which the order of cognizance dated 27.01.99 has been set-aside.

The trial Court has set-aside the cognizance order as the requisite requirement of notice has not

been given and the registered notice which has been given was not served as the factory was found closed, therefore, cognizance order dated 27.01.99 has been quashed and set-aside with liberty to the complainant to give fresh notice and file fresh suit, whereas the Revisional Court has set-aside the order of the trial Court dated 07.02.2002 and remanded the matter back for fresh consideration.

At this stage, the learned counsel for the petitioners prayed that the petitioners may be allowed to raise all the legal, just and proper submissions at the time of cognizance.

Since the Revisional Court has only remanded the matter back for fresh adjudication, I find no illegality in the impugned order dated 23.08.2002 passed by the Revisional Court, which requires no interference whatsoever by this Court.

However, the petitioners are at liberty to raise all legal, just and proper submissions at the time of cognizance and the trial Court shall consider the submissions made on behalf of the respective parties and shall pass fresh order after giving opportunity of being heard to the parties in accordance with the provision of law.

With these observations, the revision petition stands disposed of.

(K.S. RATHORE),J.

/KKC/